The Planning Inspectorate

Appeal Decision

Site visit made on 12 June 2017

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 3rd July 2017

Appeal Ref: APP/H1705/D/17/3172737
20 Alexandra Road, Basingstoke, Hampshire RG21 7RG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Kevin Poulter against the decision of Basingstoke and Deane Borough Council.
- The application, Ref. 16/04568/RET, dated 28 November 2016, was refused by notice dated 10 February 2017.
- The development proposed is the installation of woodgrain PVCu 'A rated' double glazed windows to the first floor front elevation.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The windows were installed in September 2016 and the application is therefore for retrospective permission.

Main Issue

3. The main issue is whether the installation of the windows preserves or enhances the character or appearance of the Brookvale West Conservation Area.

Reasons

4. The Council's concern is essentially that the first floor replacement front windows already installed at the appeal property would cause further harm to the character and appearance of the building. This in addition to the harm caused by the installation of the existing double glazed uPVC bay window at ground floor level in 1997 prior to the designation of the conservation area and which is now the subject of a certificate of lawful development.

5. By way of explanation the officer's report identifies the six particular differences between the originals and their replacements. It acknowledges the appellant's survey evidence that there are a great many alterations comprising modern materials and non-traditional design, but the report also makes reference to particular examples that have survived and comments that *'Alexandra Road and this section in particular are characterised by timber framed windows at first floor level'*.

6. My visit to the property and the conservation area as a whole confirmed the accuracy of this assertion, but it also confirmed the appellant's argument that in

a survey of three of the conservation area's five roads (Alexandra Road, George Street and Queens Road) well over half of the buildings have been subject to inappropriate alterations as regards materials and design. What is less clear is how many of these alterations occurred before the designation of the conservation area a decade or so ago. However, I note that the Council concedes that in one particular case, 48 Queens Road, it granted planning permission in 2015 for a conversion that includes uPVC windows and I am satisfied that there are also other instances of changes after conservation area designation.

7. In the light of such inconsistencies and the considerable extent to which the conservation area has undergone inappropriate change, which has inevitably had an effect on the significance of the conservation area as a designated heritage asset, I can understand the appellant's frustration in respect of the Council's refusal.

8. However, as the decision-maker in this appeal I am bound by a statutory duty under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. In exercising that duty I have no doubt that allowing the further use of modern materials and non-traditional design on an incremental basis, as is the case here, would fail to preserve both the character and appearance of the Brookvale West Conservation Area, albeit at the same time I recognise that those aspects have already been significantly and adversely affected.

9. In terms of specifics, a permission in this case would also be contrary to Policies EM10 & EM11 of the Basingstoke and Deane Local Plan 2011-2029; the Council's Design and Sustainability Supplementary Planning Document: Appendix 4 (Conservation Areas); the Brookvale West Conservation Area Appraisal and the document published in 2015 by Historic England 'Traditional Windows: their care, repair and upgrading'.

10. I am also required to consider relevant Government policy in Section 12 'Conserving and Enhancing the Historic Environment' of the National Planning Policy Framework 2012 ('the Framework'). In this case I find that the retention of the unauthorised windows would amount to 'less than substantial harm' to the significance of the conservation area as a designated heritage asset, although for the reasons I have explained this should not be equated with a less than substantial planning objection.

11. Having regard to paragraph 134 of the Framework I have weighed the harm caused against the public benefits of the proposal, including securing the property's optimum viable use. In this context the appellant's argument as to the difficulties of maintaining the property and securing its effective insulation come into play in terms of the public benefit of overall energy conservation.

12. Again I have sympathy with the points made, but I have not been provided with conclusive evidence that wood framed windows of a traditional design, possibly in combination with other insulation measures, cannot be thermally efficient and eliminate condensation. However, even if uPVC is established as being a more effective material for these purposes I do not take the view that this would

normally outweigh the loss of original windows in dwellings where they make a significant contribution to the character and appearance of a conservation area.

13. For the above reasons I conclude on balance that I should dismiss the appeal. As regards the appellant's submissions as to the inequity of his refusal in circumstances where there are other cases that may not be subject to any action by the Council, I do not consider that this falls within my remit in this appeal. This does not however preclude the issue being the subject of further discussions with the Council or being raised by the appellant in any subsequent formal procedures that follow.

Martin Andrews

INSPECTOR